

FIRST REGULAR SESSION

# SENATE BILL NO. 83

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GRIESHEIMER.

Pre-filed December 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

0497S.011

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## AN ACT

To repeal sections 163.011 and 163.031, RSMo, and to enact in lieu thereof three new sections relating to the establishment of a county municipal court in certain counties.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 163.011 and 163.031, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 163.011, 163.031,  
3 and 479.275, to read as follows:

163.011. As used in this chapter unless the context requires otherwise:

2 (1) "Adjusted operating levy", the sum of tax rates for the current year for  
3 teachers' and incidental funds for a school district as reported to the proper  
4 officer of each county pursuant to section 164.011, RSMo;

5 (2) "Average daily attendance", the quotient or the sum of the quotients  
6 obtained by dividing the total number of hours attended in a term by resident  
7 pupils between the ages of five and twenty-one by the actual number of hours  
8 school was in session in that term. To the average daily attendance of the  
9 following school term shall be added the full-time equivalent average daily  
10 attendance of summer school students. "Full-time equivalent average daily  
11 attendance of summer school students" shall be computed by dividing the total  
12 number of hours, except for physical education hours that do not count as credit  
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended  
14 by all summer school pupils by the number of hours required in section 160.011,  
15 RSMo, in the school term. For purposes of determining average daily attendance  
16 under this subdivision, the term "resident pupil" shall include all children  
17 between the ages of five and twenty-one who are residents of the school district  
18 and who are attending kindergarten through grade twelve in such district. If a

19 child is attending school in a district other than the district of residence and the  
20 child's parent is teaching in the school district or is a regular employee of the  
21 school district which the child is attending, then such child shall be considered  
22 a resident pupil of the school district which the child is attending for such period  
23 of time when the district of residence is not otherwise liable for tuition. Average  
24 daily attendance for students below the age of five years for which a school  
25 district may receive state aid based on such attendance shall be computed as  
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"  
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all  
30 expenditures for instruction and support services except capital outlay and debt  
31 service expenditures minus the revenue from federal categorical sources; food  
32 service; student activities; categorical payments for transportation costs pursuant  
33 to section 163.161; state reimbursements for early childhood special education;  
34 the career ladder entitlement for the district, as provided for in sections 168.500  
35 to 168.515, RSMo; the vocational education entitlement for the district, as  
36 provided for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating  
38 expenditures shall be the amount in paragraph (a) plus any increases in state  
39 funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005,  
40 not to exceed five percent, per recalculation, of the state revenue received by a  
41 district in the 2004-05 school year from the foundation formula, line 14, gifted,  
42 remedial reading, exceptional pupil aid, fair share, and free textbook payments  
43 for any district from the first preceding calculation of the state adequacy target;

44 (4) "District's tax rate ceiling", the highest tax rate ceiling in effect  
45 subsequent to the 1980 tax year or any subsequent year. Such tax rate ceiling  
46 shall not contain any tax levy for debt service;

47 (5) "Dollar value modifier", an index of the relative purchasing power of  
48 a dollar, calculated as one plus fifteen percent of the difference of the regional  
49 wage ratio minus one, provided that the dollar value modifier shall not be applied  
50 at a rate less than 1.0:

51 (a) "County wage per job", the total county wage and salary disbursements  
52 divided by the total county wage and salary employment for each county and the  
53 city of St. Louis as reported by the Bureau of Economic Analysis of the United  
54 States Department of Commerce for the fourth year preceding the payment year;

55 (b) "Regional wage per job":

56 a. The total Missouri wage and salary disbursements of the metropolitan  
57 area as defined by the Office of Management and Budget divided by the total  
58 Missouri metropolitan wage and salary employment for the metropolitan area for  
59 the county signified in the school district number or the city of St. Louis, as  
60 reported by the Bureau of Economic Analysis of the United States Department  
61 of Commerce for the fourth year preceding the payment year and recalculated  
62 upon every decennial census to incorporate counties that are newly added to the  
63 description of metropolitan areas; or if no such metropolitan area is established,  
64 then:

65 b. The total Missouri wage and salary disbursements of the micropolitan  
66 area as defined by the Office of Management and Budget divided by the total  
67 Missouri micropolitan wage and salary employment for the micropolitan area for  
68 the county signified in the school district number, as reported by the Bureau of  
69 Economic Analysis of the United States Department of Commerce for the fourth  
70 year preceding the payment year, if a micropolitan area for such county has been  
71 established and recalculated upon every decennial census to incorporate counties  
72 that are newly added to the description of micropolitan areas; or

73 c. If a county is not part of a metropolitan or micropolitan area as  
74 established by the Office of Management and Budget, then the county wage per  
75 job, as defined in paragraph (a) of this subdivision, shall be used for the school  
76 district, as signified by the school district number;

77 (c) "Regional wage ratio", the ratio of the regional wage per job divided by  
78 the state median wage per job;

79 (d) "State median wage per job", the fifty-eighth highest county wage per  
80 job;

81 (6) "Free and reduced lunch pupil count", the number of pupils eligible for  
82 free and reduced lunch on the last Wednesday in January for the preceding school  
83 year who were enrolled as students of the district, as approved by the department  
84 in accordance with applicable federal regulations;

85 (7) "Free and reduced lunch threshold" shall be calculated by dividing the  
86 total free and reduced lunch pupil count of every performance district that falls  
87 entirely above the bottom five percent and entirely below the top five percent of  
88 average daily attendance, when such districts are rank-ordered based on their  
89 current operating expenditures per average daily attendance, by the total average  
90 daily attendance of all included performance districts;

91 (8) "Limited English proficiency pupil count", the number in the preceding  
92 school year of pupils aged three through twenty-one enrolled or preparing to  
93 enroll in an elementary school or secondary school who were not born in the  
94 United States or whose native language is a language other than English or are  
95 Native American or Alaskan native, or a native resident of the outlying areas,  
96 and come from an environment where a language other than English has had a  
97 significant impact on such individuals' level of English language proficiency, or  
98 are migratory, whose native language is a language other than English, and who  
99 come from an environment where a language other than English is dominant; and  
100 have difficulties in speaking, reading, writing, or understanding the English  
101 language sufficient to deny such individuals the ability to meet the state's  
102 proficient level of achievement on state assessments described in Public Law  
103 107-10, the ability to achieve successfully in classrooms where the language of  
104 instruction is English, or the opportunity to participate fully in society;

105 (9) "Limited English proficiency threshold" shall be calculated by dividing  
106 the total limited English proficiency pupil count of every performance district that  
107 falls entirely above the bottom five percent and entirely below the top five percent  
108 of average daily attendance, when such districts are rank-ordered based on their  
109 current operating expenditures per average daily attendance, by the total average  
110 daily attendance of all included performance districts;

111 (10) "Local effort":

112 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as  
113 the equalized assessed valuation of the property of a school district in calendar  
114 year 2004 divided by one hundred and multiplied by the performance levy less the  
115 percentage retained by the county assessor and collector plus one hundred  
116 percent of the amount received in fiscal year 2005 for school purposes from  
117 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from  
118 state-assessed railroad and utility tax, one hundred percent of the amount  
119 received for school purposes pursuant to the merchants' and manufacturers' taxes  
120 under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts  
121 received for school purposes from federal properties under sections 12.070 and  
122 12.080, RSMo, except when such amounts are used in the calculation of federal  
123 impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues  
124 received for school purposes from the school district trust fund under section  
125 163.087, and one hundred percent of any local earnings or income taxes received  
126 by the district for school purposes. Under this paragraph, for a special district

127 established under sections 162.815 to 162.940, RSMo, in a county with a charter  
128 form of government and with more than one million inhabitants, a tax levy of zero  
129 shall be utilized in lieu of the performance levy for the special school district;

130 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the  
131 amount calculated under paragraph (a) of this subdivision plus any increase in  
132 the amount received for school purposes from fines or less any decrease in the  
133 amount received for school purposes from fines in any school district located  
134 entirely within any county with a charter form of government and with more than  
135 two hundred fifty thousand but fewer than three hundred fifty thousand  
136 inhabitants **or in any county of the first classification with more than**  
137 **ninety-three thousand eight hundred but fewer than ninety-three**  
138 **thousand nine hundred inhabitants** that creates a county municipal court  
139 after January 1, 2006. If a district's assessed valuation has decreased subsequent  
140 to the calculation outlined in paragraph (a) of this subdivision, the district's local  
141 effort shall be calculated using the district's current assessed valuation in lieu of  
142 the assessed valuation utilized in calculation outlined in paragraph (a) of this  
143 subdivision;

144 (11) "Membership" shall be the average of:

145 (a) The number of resident full-time students and the full-time equivalent  
146 number of part-time students who were enrolled in the public schools of the  
147 district on the last Wednesday in September of the previous year and who were  
148 in attendance one day or more during the preceding ten school days; and

149 (b) The number of resident full-time students and the full-time equivalent  
150 number of part-time students who were enrolled in the public schools of the  
151 district on the last Wednesday in January of the previous year and who were in  
152 attendance one day or more during the preceding ten school days, plus the  
153 full-time equivalent number of summer school pupils.

154 "Full-time equivalent number of part-time students" is determined by dividing the  
155 total number of hours for which all part-time students are enrolled by the number  
156 of hours in the school term. "Full-time equivalent number of summer school  
157 pupils" is determined by dividing the total number of hours for which all summer  
158 school pupils were enrolled by the number of hours required pursuant to section  
159 160.011, RSMo, in the school term. Only students eligible to be counted for  
160 average daily attendance shall be counted for membership;

161 (12) "Operating levy for school purposes", the sum of tax rates levied for  
162 teachers' and incidental funds plus the operating levy or sales tax equivalent

163 pursuant to section 162.1100, RSMo, of any transitional school district containing  
164 the school district, in the payment year, not including any equalized operating  
165 levy for school purposes levied by a special school district in which the district is  
166 located;

167 (13) "Performance district", any district that has met all performance  
168 standards and indicators as established by the department of elementary and  
169 secondary education for purposes of accreditation under section 161.092, RSMo,  
170 and as reported on the final annual performance report for that district each year;

171 (14) "Performance levy", three dollars and forty-three cents;

172 (15) "School purposes" pertains to teachers' and incidental funds;

173 (16) "Special education pupil count", the number of public school students  
174 with a current individualized education program and receiving services from the  
175 resident district as of December first of the preceding school year, except for  
176 special education services provided through a school district established under  
177 sections 162.815 to 162.940, RSMo, in a county with a charter form of government  
178 and with more than one million inhabitants, in which case the sum of the  
179 students in each district within the county exceeding the special education  
180 threshold of each respective district within the county shall be counted within the  
181 special district and not in the district of residence for purposes of distributing the  
182 state aid derived from the special education pupil count;

183 (17) "Special education threshold" shall be calculated by dividing the total  
184 special education pupil count of every performance district that falls entirely  
185 above the bottom five percent and entirely below the top five percent of average  
186 daily attendance, when such districts are rank-ordered based on their current  
187 operating expenditures per average daily attendance, by the total average daily  
188 attendance of all included performance districts;

189 (18) "State adequacy target", the sum of the current operating  
190 expenditures of every performance district that falls entirely above the bottom  
191 five percent and entirely below the top five percent of average daily attendance,  
192 when such districts are rank-ordered based on their current operating  
193 expenditures per average daily attendance, divided by the total average daily  
194 attendance of all included performance districts. The department of elementary  
195 and secondary education shall first calculate the state adequacy target for fiscal  
196 year 2007 and recalculate the state adequacy target every two years using the  
197 most current available data. The recalculation shall never result in a decrease  
198 from the previous state adequacy target amount. Should a recalculation result

199 in an increase in the state adequacy target amount, fifty percent of that increase  
200 shall be included in the state adequacy target amount in the year of recalculation,  
201 and fifty percent of that increase shall be included in the state adequacy target  
202 amount in the subsequent year. The state adequacy target may be adjusted to  
203 accommodate available appropriations;

204 (19) "Teacher", any teacher, teacher-secretary, substitute teacher,  
205 supervisor, principal, supervising principal, superintendent or assistant  
206 superintendent, school nurse, social worker, counselor or librarian who shall,  
207 regularly, teach or be employed for no higher than grade twelve more than  
208 one-half time in the public schools and who is certified under the laws governing  
209 the certification of teachers in Missouri;

210 (20) "Weighted average daily attendance", the average daily attendance  
211 plus the product of twenty-five hundredths multiplied by the free and reduced  
212 lunch pupil count that exceeds the free and reduced lunch threshold, plus the  
213 product of seventy-five hundredths multiplied by the number of special education  
214 pupil count that exceeds the special education threshold, and plus the product of  
215 six-tenths multiplied by the number of limited English proficiency pupil count  
216 that exceeds the limited English proficiency threshold. For special districts  
217 established under sections 162.815 to 162.940, RSMo, in a county with a charter  
218 form of government and with more than one million inhabitants, weighted  
219 average daily attendance shall be the average daily attendance plus the product  
220 of twenty-five hundredths multiplied by the free and reduced lunch pupil count  
221 that exceeds the free and reduced lunch threshold, plus the product of  
222 seventy-five hundredths multiplied by the sum of the special education pupil  
223 count that exceeds the threshold for each county district, plus the product of  
224 six-tenths multiplied by the limited English proficiency pupil count that exceeds  
225 the limited English proficiency threshold. None of the districts comprising a  
226 special district established under sections 162.815 to 162.940, RSMo, in a county  
227 with a charter form of government and with more than one million inhabitants,  
228 shall use any special education pupil count in calculating their weighted average  
229 daily attendance.

163.031. 1. The department of elementary and secondary education shall  
2 calculate and distribute to each school district qualified to receive state aid under  
3 section 163.021 an amount determined by multiplying the district's weighted  
4 average daily attendance by the state adequacy target, multiplying this product  
5 by the dollar value modifier for the district, and subtracting from this product the

6 district's local effort and, in years not governed under subsection 4 of this section,  
7 subtracting payments from the classroom trust fund under section 163.043.

8 2. Other provisions of law to the contrary notwithstanding:

9 (1) For districts with an average daily attendance of more than three  
10 hundred fifty in the school year preceding the payment year:

11 (a) For the 2006-07 school year, the state revenue per weighted average  
12 daily attendance received by a district from the state aid calculation under  
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
14 under section 163.043 shall not be less than the state revenue received by a  
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
16 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
17 amounts multiplied by the sum of one plus the product of one-third multiplied by  
18 the remainder of the dollar value modifier minus one, and dividing this product  
19 by the weighted average daily attendance computed for the 2005-06 school year;

20 (b) For the 2007-08 school year, the state revenue per weighted average  
21 daily attendance received by a district from the state aid calculation under  
22 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
23 under section 163.043 shall not be less than the state revenue received by a  
24 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
25 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
26 amounts multiplied by the sum of one plus the product of two-thirds multiplied  
27 by the remainder of the dollar value modifier minus one, and dividing this  
28 product by the weighted average daily attendance computed for the 2005-06  
29 school year;

30 (c) For the 2008-09 school year, the state revenue per weighted average  
31 daily attendance received by a district from the state aid calculation under  
32 subsections 1 and 4 of this section, as applicable, and the classroom trust fund  
33 under section 163.043 shall not be less than the state revenue received by a  
34 district in the 2005-06 school year from the foundation formula, line 14, gifted,  
35 remedial reading, exceptional pupil aid, fair share, and free textbook payment  
36 amounts multiplied by the dollar value modifier, and dividing this product by the  
37 weighted average daily attendance computed for the 2005-06 school year;

38 (d) For each year subsequent to the 2008-09 school year, the amount shall  
39 be no less than that computed in paragraph (c) of this subdivision, multiplied by  
40 the weighted average daily attendance pursuant to section 163.036, less any  
41 increase in revenue received from the classroom trust fund under section 163.043;



42           (2) For districts with an average daily attendance of three hundred fifty  
43 or less in the school year preceding the payment year:

44           (a) For the 2006-07 school year, the state revenue received by a district  
45 from the state aid calculation under subsections 1 and 4 of this section, as  
46 applicable, and the classroom trust fund under section 163.043 shall not be less  
47 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
48 school year from the foundation formula, line 14, gifted, remedial reading,  
49 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
50 by the sum of one plus the product of one-third multiplied by the remainder of the  
51 dollar value modifier minus one;

52           (b) For the 2007-08 school year, the state revenue received by a district  
53 from the state aid calculation under subsections 1 and 4 of this section, as  
54 applicable, and the classroom trust fund under section 163.043 shall not be less  
55 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
56 school year from the foundation formula, line 14, gifted, remedial reading,  
57 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
58 by the sum of one plus the product of two-thirds multiplied by the remainder of  
59 the dollar value modifier minus one;

60           (c) For the 2008-09 school year, the state revenue received by a district  
61 from the state aid calculation under subsections 1 and 4 of this section, as  
62 applicable, and the classroom trust fund under section 163.043 shall not be less  
63 than the greater of state revenue received by a district in the 2004-05 or 2005-06  
64 school year from the foundation formula, line 14, gifted, remedial reading,  
65 exceptional pupil aid, fair share, and free textbook payment amounts multiplied  
66 by the dollar value modifier;

67           (d) For each year subsequent to the 2008-09 school year, the amount shall  
68 be no less than that computed in paragraph (c) of this subdivision;

69           **(e) For districts located at least partially in any county that has**  
70 **created or creates a county municipal court after June 30, 2004, that**  
71 **meet the criteria of paragraphs (a) through (d) of this subdivision, an**  
72 **additional payment amount equal to the decrease, if any, in the amount**  
73 **of revenue a district receives from fines in the current year from the**  
74 **revenue the district received from fines in fiscal year 2005 shall be paid**  
75 **to any such qualified district;**

76           (3) The department of elementary and secondary education shall make an  
77 addition in the payment amount specified in subsection 1 of this section to assure

78 compliance with the provisions contained in this subsection.

79           3. School districts that meet the requirements of section 163.021 shall  
80 receive categorical add-on revenue as provided in this subsection. The categorical  
81 add-on for the district shall be the sum of: seventy-five percent of the district  
82 allowable transportation costs under section 163.161; the career ladder  
83 entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo;  
84 the vocational education entitlement for the district, as provided for in section  
85 167.332, RSMo; and the district educational and screening program entitlements  
86 as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on  
87 revenue amounts may be adjusted to accommodate available appropriations.

88           4. In the 2006-07 school year and each school year thereafter for five  
89 years, those districts entitled to receive state aid under the provisions of  
90 subsection 1 of this section shall receive state aid in an amount as provided in  
91 this subsection.

92           (1) For the 2006-07 school year, the amount shall be fifteen percent of the  
93 amount of state aid calculated for the district for the 2006-07 school year under  
94 the provisions of subsection 1 of this section, plus eighty-five percent of the total  
95 amount of state revenue received by the district for the 2005-06 school year from  
96 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,  
97 fair share, and free textbook payments less any amounts received under section  
98 163.043.

99           (2) For the 2007-08 school year, the amount shall be thirty percent of the  
100 amount of state aid calculated for the district for the 2007-08 school year under  
101 the provisions of subsection 1 of this section, plus seventy percent of the total  
102 amount of state revenue received by the district for the 2005-06 school year from  
103 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,  
104 fair share, and free textbook payments less any amounts received under section  
105 163.043.

106           (3) For the 2008-09 school year, the amount of state aid shall be forty-four  
107 percent of the amount of state aid calculated for the district for the 2008-09  
108 school year under the provisions of subsection 1 of this section plus fifty-six  
109 percent of the total amount of state revenue received by the district for the  
110 2005-06 school year from the foundation formula, line 14, gifted, remedial  
111 reading, exceptional pupil aid, fair share, and free textbook payments less any  
112 amounts received under section 163.043.

113           (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight

114 percent of the amount of state aid calculated for the district for the 2009-10  
115 school year under the provisions of subsection 1 of this section plus forty-two  
116 percent of the total amount of state revenue received by the district for the  
117 2005-06 school year from the foundation formula, line 14, gifted, remedial  
118 reading, exceptional pupil aid, fair share, and free textbook payments less any  
119 amounts received under section 163.043.

120 (5) For the 2010-11 school year, the amount of state aid shall be  
121 seventy-two percent of the amount of state aid calculated for the district for the  
122 2010-11 school year under the provisions of subsection 1 of this section plus  
123 twenty-eight percent of the total amount of state revenue received by the district  
124 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial  
125 reading, exceptional pupil aid, fair share, and free textbook payments less any  
126 amounts received under section 163.043.

127 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six  
128 percent of the amount of state aid calculated for the district for the 2011-12  
129 school year under the provisions of subsection 1 of this section plus fourteen  
130 percent of the total amount of state revenue received by the district for the  
131 2005-06 school year from the foundation formula, line 14, gifted, remedial  
132 reading, exceptional pupil aid, fair share, and free textbook payments less any  
133 amounts received under section 163.043.

134 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state  
135 adequacy target may not be adjusted downward to accommodate available  
136 appropriations in any year governed by this subsection.

137 (b) a. For the 2006-07 school year, if a school district experiences a  
138 decrease in summer school average daily attendance of more than twenty percent  
139 from the district's 2005-06 summer school average daily attendance, an amount  
140 equal to the product of the percent reduction that is in excess of twenty percent  
141 of the district's summer school average daily attendance multiplied by the funds  
142 generated by the district's summer school program in the 2005-06 school year  
143 shall be subtracted from the district's current year payment amount.

144 b. For the 2007-08 school year, if a school district experiences a decrease  
145 in summer school average daily attendance of more than thirty percent from the  
146 district's 2005-06 summer school average daily attendance, an amount equal to  
147 the product of the percent reduction that is in excess of thirty percent of the  
148 district's summer school average daily attendance multiplied by the funds  
149 generated by the district's summer school program in the 2005-06 school year

150 shall be subtracted from the district's payment amount.

151 c. For the 2008-09 school year through the 2011-12 school year, if a school  
152 district experiences a decrease in summer school average daily attendance of  
153 more than thirty-five percent from the district's 2005-06 summer school average  
154 daily attendance, an amount equal to the product of the percent reduction that  
155 is in excess of thirty-five percent of the district's summer school average daily  
156 attendance multiplied by the funds generated by the district's summer school  
157 program in the 2005-06 school year shall be subtracted from the district's  
158 payment amount.

159 d. Notwithstanding the provisions of this paragraph, no such reduction  
160 shall be made in the case of a district that is receiving a payment under section  
161 163.044 or any district whose regular school term average daily attendance for  
162 the preceding year was three hundred fifty or less.

163 e. This paragraph shall not be construed to permit any reduction applied  
164 under this paragraph to result in any district receiving a current-year payment  
165 that is less than the amount calculated for such district under subsection 2 of this  
166 section.

167 (c) If a school district experiences a decrease in its gifted program  
168 enrollment of more than twenty percent from its 2005-06 gifted program  
169 enrollment in any year governed by this subsection, an amount equal to the  
170 product of the percent reduction in the district's gifted program enrollment  
171 multiplied by the funds generated by the district's gifted program in the 2005-06  
172 school year shall be subtracted from the district's current year payment amount.

173 5. For any school district meeting the eligibility criteria for state aid as  
174 established in section 163.021, but which is considered an option district under  
175 section 163.042 and therefore receives no state aid, the commissioner of education  
176 shall present a plan to the superintendent of the school district for the waiver of  
177 rules and the duration of said waivers, in order to promote flexibility in the  
178 operations of the district and to enhance and encourage efficiency in the delivery  
179 of instructional services as provided in section 163.042.

180 6. (1) No less than seventy-five percent of the state revenue received  
181 under the provisions of subsections 1, 2, and 4 of this section shall be placed in  
182 the teachers' fund, and the remaining percent of such moneys shall be placed in  
183 the incidental fund. No less than seventy-five percent of one-half of the funds  
184 received from the school district trust fund distributed under section 163.087  
185 shall be placed in the teachers' fund. One hundred percent of revenue received

186 under the provisions of section 163.161 shall be placed in the incidental  
187 fund. One hundred percent of revenue received under the provisions of sections  
188 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

189 (2) A school district shall spend for certificated compensation and tuition  
190 expenditures each year:

191 (a) An amount equal to at least seventy-five percent of the state revenue  
192 received under the provisions of subsections 1, 2, and 4 of this section;

193 (b) An amount equal to at least seventy-five percent of one-half of the  
194 funds received from the school district trust fund distributed under section  
195 163.087 during the preceding school year; and

196 (c) Beginning in fiscal year 2008, as much as was spent per the second  
197 preceding year's weighted average daily attendance for certificated compensation  
198 and tuition expenditures the previous year from revenue produced by local and  
199 county tax sources in the teachers' fund, plus the amount of the incidental fund  
200 to teachers' fund transfer calculated to be local and county tax sources by dividing  
201 local and county tax sources in the incidental fund by total revenue in the  
202 incidental fund.

203 In the event a district fails to comply with this provision, the amount by which  
204 the district fails to spend funds as provided herein shall be deducted from the  
205 district's state revenue received under the provisions of subsections 1, 2, and 4  
206 of this section for the following year, provided that the state board of education  
207 may exempt a school district from this provision if the state board of education  
208 determines that circumstances warrant such exemption.

209 7. If a school district's annual audit discloses that students were  
210 inappropriately identified as eligible for free and reduced lunch, special  
211 education, or limited English proficiency and the district does not resolve the  
212 audit finding, the department of elementary and secondary education shall  
213 require that the amount of aid paid pursuant to the weighting for free and  
214 reduced lunch, special education, or limited English proficiency in the weighted  
215 average daily attendance on the inappropriately identified pupils be repaid by the  
216 district in the next school year and shall additionally impose a penalty of one  
217 hundred percent of such aid paid on such pupils, which penalty shall also be paid  
218 within the next school year. Such amounts may be repaid by the district through  
219 the withholding of the amount of state aid.

479.275. 1. Any county of the first classification with more than  
2 ninety-three thousand eight hundred but fewer than ninety-three

3 thousand nine hundred inhabitants may establish a county municipal  
4 court in which to prosecute and punish violations of its county  
5 ordinances. In addition, the county may prosecute and punish  
6 municipal ordinance violations in the county municipal court pursuant  
7 to a contract with any municipality within the county. The county  
8 municipal court established under the provisions of this section shall  
9 have jurisdiction over violations of that county's ordinances and the  
10 ordinances of municipalities with which the county has a contract to  
11 prosecute and punish violations of municipal ordinances of the  
12 city. Costs and procedures in any such county municipal court shall be  
13 governed by the provisions of law relating to municipal ordinance  
14 violations in municipal divisions of circuit courts.

15       2. In a county municipal court established under this section, the  
16 judges for such court shall be appointed by the county  
17 commission. The number of judges appointed, and qualifications for  
18 their appointment, shall be established by ordinance of the county.

19       3. The number of divisions of such county municipal court and  
20 its term shall be established by ordinance of the county.

21       4. The ordinance of the county shall provide for regular sessions  
22 of court in the evening hours after 6:00 p.m. and at locations outside  
23 the county seat.

24       5. Judges of the county municipal court shall be licensed to  
25 practice law in this state and shall be residents of the county in which  
26 they serve. Municipal court judges shall not accept or handle cases in  
27 their practice of law which are inconsistent with their duties as a  
28 municipal court judge and shall not be a judge or prosecutor for any  
29 other court.

30       6. In establishing the county municipal court, provisions shall be  
31 made for appropriate circumstances whereby defendants may enter not  
32 guilty pleas and obtain trial dates by telephone or written  
33 communication without personal appearance, or to plead guilty and  
34 deliver by mail or electronic transfer or other approved method the  
35 specified amount of the fine and costs as otherwise provided by law,  
36 within a specified period of time.

37       7. In a county municipal court established under this section, the  
38 county may provide by ordinance for court costs not to exceed the sum  
39 which may be provided by municipalities for municipal violations

40 before municipal courts. The county municipal judge may assess costs  
41 against a defendant who pleads guilty or is found guilty except in those  
42 cases where the defendant is found by the judge to be indigent and  
43 unable to pay the costs. The costs authorized in this subsection are in  
44 addition to service costs, witness fees and jail costs that may otherwise  
45 be authorized to be assessed, but are in lieu of other court or judge  
46 costs or fees. Such costs shall be collected by the authorized clerk and  
47 deposited into the county treasury.

48       8. Provisions shall be made for recording of proceedings, except  
49 that if such proceedings are not recorded, then, in that event, a person  
50 aggrieved by a judgment of a traffic judge or commissioner shall have  
51 the right of a trial de novo. The procedures for perfecting the right of  
52 a trial de novo shall be the same as that provided under sections  
53 512.180 to 512.320, RSMo, except that the provisions of subsection 2 of  
54 section 512.180, RSMo, shall not apply to such cases. In the event that  
55 such proceedings are recorded, all final decisions of the county  
56 municipal court shall be appealable on such record to the appellate  
57 court with appropriate jurisdiction.

58       9. Any person charged with the violation of a county ordinance  
59 in a county which has established a county municipal court under the  
60 provisions of this section shall, upon request, be entitled to a trial by  
61 jury before a county municipal court judge. Any jury trial shall be  
62 heard with a record being made.

63       10. In the event that a court is established pursuant to this  
64 section, the circuit judges of the judicial circuit with jurisdiction  
65 within that county may authorize the judges of the county municipal  
66 court to act as commissioners to hear in the first instance nonfelony  
67 violations of state law involving motor vehicles as provided by local  
68 rule.

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